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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re

TEMBLOR PETROLEUM COMPANY, LLC

Debtor.

Case No. 2020-11367

Chapter 7

Docket Control Number: PRG-3

**NOTICE OF HEARING ON
AMENDED MOTION OF
GENAUTICA OIL HOLDINGS, LP
TO VACATE SALE ORDER, AS
AMENDED**

Hearing
Date: June 14, 2023
Time: 1:30 p.m.
Place: 2500 Tulare Street, Suite 2501
Fresno, CA 93721

Judge: Hon. Jennifer Niemann

1 **TO THE HONORABLE JENNIFER NIEMANN, UNITED STATES BANKRUPTCY**
2 **JUDGE, AND ALL PARTIES IN INTEREST:**

3 **PLEASE TAKE NOTICE** that on May 16, 2023, Genautica Oil Holdings, LP
4 (“Genautica”) filed its *Amended Motion of Genautica Oil Holdings, LP to Vacate Sale Order, As*
5 *Amended* (the “Motion”) with the United States Bankruptcy Court for the Eastern District of
6 California (the “Bankruptcy Court”) seeking entry of an order pursuant to Rule 9024 of the Federal
7 Rules of Bankruptcy Procedure, Rule 9014-1 of the Local Rules of Practice for the United
8 States Bankruptcy Court, Eastern District of California and Section 105 of title 11 of the United
9 States Code vacating the Court’s *Order on Motion to Sell Estate’s Interest in Property Pursuant*
10 *to 11 U.S.C Section 363(b) (Debtor’s Working Interest Hangman Hollow Field, Monterey County,*
11 *CA)* entered August 19, 2022 [Dkt. No. 432] and *Amended Order on Motion to Sell Estate’s*
12 *Interest in Property Pursuant to 11 U.S.C. Section 363(b) (Debtor’s Working Interest Hangman*
13 *Hollow Field, Monterey County, CA)* [Dkt. 473] entered November 3, 2022 on the grounds of
14 mistake and to avoid manifest justice because (i) the bidders were induced to overbid based on the
15 Brokers’¹ misstatements of fact (in which Trio is, at the very minimum, complicit); (ii) the bidders
16 were bidding based on different, material, sales terms (namely whether or not the Property is free
17 and clear of Trio’s purported hundreds of thousands of dollars of claims); and (iii) the record is
18 clear that a renewed auction of the Property would yield at least 50% more than Trio’s stalking
19 horse bid. In support of the Motion, Genautica filed a Memorandum of Points and Authorities and
20 Declaration of Dan Scholefield concurrently herewith.

21 **PLEASE TAKE FURTHER NOTICE** that the Motion is based upon this notice, the
22 Memorandum of Points and Authorities, the Declaration of Dan Scholefield and the Exhibits
23 thereto, the arguments of counsel, the record in this case, and other admissible evidence properly
24 brought before the Court at or before the Hearing.

25 **PLEASE TAKE FURTHER NOTICE** that a hearing to consider the Motion will be held
26 on **June 14, 2023 at 1:30 p.m.** (the “Hearing Date”) before the Honorable Jennifer E. Niemann,
27 United States Bankruptcy Judge at the United States Bankruptcy Court for the Eastern District of
28

¹ Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the Memorandum of Points and Authorities filed in the support of the Motion.

1 California, Fresno Division, 2500 Tulare Street, Suite 2501, Fresno, CA 93721. Parties may appear
2 in court in person, by telephone or by video conference. More information about how to appear by
3 telephone or video conference is available on the Bankruptcy Court's website at
4 www.caeb.uscourts.gov.

5 **PLEASE TAKE FURTHER NOTICE** that the failure to file timely written opposition
6 may result in the Motion being resolved without oral argument and the striking of untimely written
7 opposition. Opposition, if any, to the granting of the Motion must be in writing and must be served
8 and filed with the Bankruptcy Court at least fourteen (14) calendar days before the Hearing Date.
9 Such opposition must be accompanied by evidence establishing such opposing parties' factual
10 allegations. No party shall be heard in opposition to a motion at oral argument, without good cause,
11 if written opposition to the motion has not been timely filed. The opposition shall specify whether
12 the responding party consents to the Bankruptcy Court's resolution of disputed material factual
13 issues pursuant to Fed. R. Civ. P. 43(c) as made applicable by Fed. R. Bankr. P. 9017. If the
14 responding party does not consent, the opposition must include a separate statement identifying
15 each disputed material factual issue. The separate statement must enumerate discreetly each of the
16 disputed material factual issues and cite the particular portions of the record demonstrating that a
17 factual issue is both material and in dispute. Failure to file the separate statement shall be construed
18 as consent to resolution of the motion and all disputed material factual issues pursuant to Fed. R.
19 Civ. P. 43(c).

20 **PLEASE TAKE FURTHER NOTICE** that respondents can determine whether the
21 matter has been resolved without oral argument or whether the court has issued a tentative ruling,
22 and can view [any] pre-hearing dispositions by checking the Bankruptcy Court's website at
23 www.caeb.uscourts.gov after 4:00 P.M. the day before the hearing. Parties appearing
24 telephonically must view the pre-hearing dispositions prior to the hearing.

25 Dated: May 16, 2023

STRADLING YOCCA CARLSON & RAUTH, P.C.

26 By: /s/ Paul Glassman

27 Paul R. Glassman

28 Tatiana Ingman

Attorneys for Genautica Oil Holdings, LP